

**DECISION MEMO**  
**ACCESS TO PRIVATE PROPERTY**  
**U.S. FOREST SERVICE**  
**OUACHITA NATIONAL FOREST**  
**PERRY COUNTY, ARKANSAS**

**BACKGROUND**

This activity will consist of use and maintenance of approximately 2,765 feet of existing non-system, single lane, native/gravel surface road located in Section 3 of Township 3 North, Range 20 West, 5<sup>th</sup> Principle Meridian, Perry County, Arkansas to access private property. The road will begin at forest road 155 (Whiskey Creek Road) and end at the private boundary and will be used year-round for the management and harvest of natural resources and access to a recreational cabin on private property. Authorized activities would include surface blading, installation of drainage dips and a culvert (replacing existing culvert) to promote proper drainage, and placement of gravel for surface repair and hardening of stream crossings. Approximately three trees would need to be removed to allow passage of commercial vehicles hauling forest products. The road will be inspected by the Forest Service periodically to ensure that use and maintenance of the road is not causing damage to adjacent National Forest System lands and resources.

**DECISION**

I have decided to authorize the use and maintenance of a non-system private road between forest road 155 and the subject tract, as well as use and maintenance of forest road 155 (Maintenance Level 1 system road) between highway 7 and the private road for ingress/egress to private property.

This activity falls into a category of action that may be excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA), which the Chief of the Forest Service has determined will not have a significant effect on the human environment:

Approval, modification, or continuation of minor special uses of NFS lands that require less than five (5) contiguous acres of land. (36 CFR 220.6(e)(3))

I find that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS. I took into account resource conditions identified in agency procedures that should be considered in determining whether extraordinary circumstances might exist:

- Federally listed threatened or endangered species or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service sensitive species.

All 80 PETS species were considered but only one species, the northern long-eared bat, required further analysis. During this analysis it was determined that this project will not affect the northern long-eared bat. (Biological Evaluation, October 2020).

- Flood plains, wetlands, or municipal watersheds – there are no floodplains or jurisdictional wetlands within the project area and none will be impacted by project activities. There are no municipal watersheds in the project area.
- Congressionally designated areas such as wilderness, wilderness study areas, or national recreation areas – none are present within the project area; none will be affected.
- Inventoried roadless areas or potential wilderness areas – none are present within the project area; none will be affected.
- Research natural areas – none are present within the project area; none will be affected.
- American Indians and Alaska Native religious or cultural sites – none are present within the project area; none will be affected.
- Archaeological sites, or historic properties or areas – The project is within the existing footprint of the roadway and will not affect heritage resources. (email from District Archeologist, November 12, 2020)

## **PUBLIC INVOLVEMENT**

A notice of the proposed action for this project was mailed to the District NEPA mailing list and Native American Tribes on August 10, 2020, soliciting comments on the project. No comments were received.

## **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

This decision is consistent with the Ouachita National Forest Revised Land and Resource Management Plan as required by the National Forest Management Act.

## **ADMINISTRATIVE REVIEW (OBJECTION) OPPORTUNITIES**

Decisions that are categorically excluded from documentation in an Environmental Assessment (EA) or Environmental Impact Statement (EIS) are not subject to an administrative review process (pre-decisional objection process) (Agriculture Act of 2014, Subtitle A, Sec. 8006).

## **IMPLEMENTATION DATE**

The project may be implemented immediately.





## CONTACT

For additional information concerning this decision, contact: Jake Cowart, Special Uses Program Manager at (501) 321-5228.

for Josh Graham (act.hg)  
Troy Heithecker  
Forest Supervisor

9/29/2021  
Date

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